IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

WP(C).No. 35642 of 2004(R)

PETITIONER:

K.PADMANABHAN,
THADATHIL VILAYIL, KIZHAKKAKKARA, THERALAKKARA P.O
MYNAGAPPALLY VILLAGE, KUNNATHUR TALUK, KOLLAM.

BY ADV. SRI.K.SUBASH CHANDRA BOSE

RESPONDENTS:

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1. THE REGIONAL MANAGER,
THE KERALA STATE DEVELOPMENT CORPORATION FOR
SCHEDULED CASTE AND SCHEDULED TRIBES LTD.,
REGIONAL OFFICE, TOWN HALL ROAD, THRISSUR.

2. THE DISTRICT COLLECTOR, KOLLAM.

3. THE TAHSILDAR,
TALUK OFFICE, KUNNATHUR, KOLLAM.

4. THE ASSISTANT EXECUTIVE ENGINEER,
K.I.P. SUB DIVISION, BHARANIKKAVU,
SASTHAMCOTTA, KOLLAM.

5. MURALEEDHARAN,
PUTHEN KAVIL KIZHAKKETHARA, CHAVARA BRIDGE P.O.,
KOLLAM.

R1 BY ADV. SRI.M.K.CHANDRA MOHANDAS, SC
R2 TO 4 BY G.P. SMT.SMITHA SUKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF RECOVERY RECEIPT RECEIVED BY R1 DT.23.3.2004.

P2: .DO. DT.9.7.2004.

P3: TRUE COPY OF RR NOTICE DT.13.10.2004.

TRUE COPY

PA TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.35642 of 2004

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Dated this the 19th day of November, 2007.

JUDGMENT

Heard counsel for the petitioner and Standing Counsel appearing for the first respondent. On going through the statement filed by the first respondent I find that their claim is over Rs.4 lakhs. Since petitioner stated that vehicle is not seized or sold, this court issued an interim order on 27.10.2005 directing the petitioner to trace the vehicle and inform the Police for seizure and sale so that petitioner's liability is reduced atleast to that extent. However, petitioner has not cared to do anything pursuant to the order passed two years back. In the circumstances, I find no merit in the petitioner's contention. Respondents 1 to 4 are free to proceed against the defaulter and against the guarantors including the petitioner and against their assets in terms of the loan agreement. However, if the defaulter or the guarantors approach the first respondent for settlement and make payment within a reasonable time, there will be direction to the first respondent to waive penal and default interest and allow to settle the

liability, if full amount is paid with contract rate of interest within three months from today.

The W.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms